



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

MJL:BTR:ECW  
F. #2007R01327

*United States Attorney's Office  
610 Federal Plaza  
Central Islip, New York 11722-4454*

August 26, 2007

BY ECF & REGULAR MAIL

Jeffrey Lichtman, Esq.  
Attorney At Law  
750 Lexington Avenue, 15th Floor  
New York, New York 10022

Re: United States v. Solimine et al  
Criminal Dkt. No. 07-567(JS)

Dear Mr. Lichtman:

Enclosed please find the government's discovery for defendant Tonino Solimine in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government requests reciprocal discovery from the defendant.

The Government's Discovery

1. Statements of the Defendant

The government is not aware of any statements which the defendant has made to law enforcement authorities.

2. The Defendant's Criminal History

The government is not aware of any criminal history for the defendant.

3. Documents and Objects

The government is in possession of ten consensual recordings of the defendant. To obtain copies of these recordings, listed below, please contact John Palermo of DupeCoop, L.L.C., 229 West 26th Street, Suite 1-C, New York, New York, 10001, at (973) 895-7359.

Recording Number	Recording Date
January 24, 2006	DVD #1D-1
March 4, 2006	DVD #1D-15
March 9, 2006	Audio Tape #1D-17
March 15, 2006	DVD #1D-22
April 13, 2006	DVD #1D-33
September 22, 2006	DVD #1D-59
October 27, 2006	DVD #1D-68
December 15, 2006	DVD #1D-80
February 22, 2007	DVD #1D-91
April 12, 2007	DVD #1D-96

#### 4. Reports of Examinations and Tests

The government will provide copies of any reports generated in connection with the inspection of T & S Trucking Corporation heating oil delivery trucks just as soon as they are available.

#### 5. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion. The government intends to call an expert to testify about various methods of stealing heating oil. The expert's identity, qualifications, and the bases for his or her conclusions will be provided to you when they become available.

#### 6. Other Material

The government is currently unaware of any exculpatory information regarding the defendant. However, the government is aware of and will comply with its obligation to produce exculpatory material or information within the scope of Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.

The government will furnish before trial information or material regarding payment, promises, immunity, leniency or preferential treatment, if any, given to prospective government witnesses, within the scope of Giglio v. United States, 405 U.S. 150 (1972), and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who will testify for the government at trial.

7. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

The Defendant's Required Disclosure

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments, including fingerprint analyses, made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703 and 705 of the Federal Rules of Evidence. The summary should describe the opinions of witnesses, the bases and reasons for the opinions, and the qualifications of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

If you have any questions or further requests, please do not hesitate to contact me at the number below, or my paralegal, Ms. Lisa Barretti-Nieves, at (631) 715-7831.

Very truly yours,  
ROSLYNN R. MAUSKOPF  
United States Attorney

By: /S/ Burton T. Ryan  
Burton T. Ryan  
Assistant U.S. Attorney  
(631) 715-7853

cc: Clerk of the Court (JS)